

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
DENNIS M. CAVANAUGH
JUDGE

THE FRANK R. LAUTENBERG
UNITED STATES POST OFFICE
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August 18, 2010

Served via ECF upon all counsel

Re: MERRILL LYNCH V. KUPPERMAN
CIVIL ACTION No.: 06-4802 (DMC) (JAD)

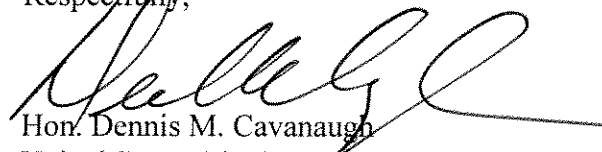
Dear Counsel:

The Court writes in response to the various correspondences from Merrill Lynch Business Financial Services Inc. ("Merrill") and JPMorgan Chase Bank, N.A. ("Chase") with respect to the Form of Judgment to be entered in this matter.

In its May 27, 2010 Opinion, this Court granted Chase's motion for summary judgment on its claims against Kupperman. The Court also granted Merrill's summary judgment motions on its claims against both Kupperman and Chase. With respect to Merrill's claims against Chase, the Court found that Chase "does not have a priority interest in the \$489,321.86 in funds that it collected after receiving notice of Merrill's suit." Implicit in this holding is that said funds should be transferred to Merrill, once the judgment entered in this matter is final.

The parties are instructed to file a joint Form of Judgment containing the complete holdings of this Court (i.e., all summary judgment motions that were decided in this Court's May 27 Opinion), in accordance with this letter.

Respectfully,



Hon. Dennis M. Cavanaugh
United States District Court for the
District of New Jersey

Original: Clerk
cc: All Counsel of Record
File